

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DONNA K. SOUTTER,
For herself and on behalf of all similarly
situated individuals,

Plaintiff,

v.

CIVIL ACTION NO. 3:10-cv-00107

EQUIFAX INFORMATION SERVICES, LLC,

Defendant.

**DECLARATION OF SHAWN DEGRACE IN SUPPORT OF
EQUIFAX INFORMATION SERVICES LLC'S OPPOSITION TO
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

I, Shawn DeGrace, hereby declare, under penalty of perjury and pursuant to 28 U.S.C. §1746, as follows:

1. I am the Director of Data Management for Equifax Information Services LLC ("Equifax"). I submit this declaration in support of Equifax's opposition to Plaintiff's Motion For Class Certification ("Motion"). I am over 21 years of age and have personal knowledge of the facts below. I am otherwise competent to provide this declaration.

2. Throughout the period relevant to this lawsuit, I have served as the Director of Data Management and an employee of the Data Services Department of Equifax. I am responsible for the public records vendor relationships, including with LexisNexis ("LN"). I also assist in facilitating the vendor relationships with Equifax's public records vendors ("PRVs").

3. Equifax is a consumer reporting agency under the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. §§ 1681, *et seq.* It maintains a database of consumer credit information.

4. With respect to public records such as judgments and the dispositions (appeals, satisfactions, vacated and set aside) of judgments in Virginia, Equifax contracts with a PRV that specializes in gathering information relating to court filings. Equifax has engaged in and maintained such relationships with PRVs since at least the late 1980s. The use of a PRV is standard practice in the credit reporting industry. The PRVs are independent contractors and not employees of Equifax.

5. In the case of Virginia, Equifax utilizes LN as its PRV to collect public records. Prior to LN, Equifax used, first, NDR, and, second, Choicepoint (operating as Superior Information Services) to collect public records in Virginia. Equifax began using LN as its PRV in Virginia in February, 2007 when LN purchased the public records division of Choicepoint. In November, 2008, Equifax and LN entered into a subsequent PRV agreement that has been in place ever since.

6. Equifax signed contracts with each of the PRVs listed above that require them to meet certain quality and performance standards. Further, each of these PRVs agreed to comply with all laws and regulations relating to the agreements.


7. Equifax expects its PRVs, in this instance, LN, to collect public record data exactly as it appears in the court record and following each court's procedures and guidelines.

8. The LN PRV agreement also provides that LN will collect public record data from Virginia courts based on certain collection frequencies. For example, in some courts, such as the Richmond General District Court, Prince William General District Court and Fairfax General District Court, LN is required to collect public record information at least once every 14 days. In other courts, such as Alexandria General District Court and Arlington General District Court, LN is required to collect public record information at least once every 31 days. Finally,

there are some courts in Virginia that generate a very small number of court records. In these courts, LN is required to collect public record information at least once each year.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 23rd day of November 2010, at Atlanta, Georgia.

By: 
Shawn DeGrace